

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

IN RE: ASBESTOS PRODUCTS LIABILITY
LITIGATION (No. VI)

David Luna, Sr. v. CBS Corporation, et al.,)	
N.D. Illinois, C.A. No. 1:12-09515)	
Sue Roberts v. A.W. Chesterton Company, et al.,)	
N.D. Illinois, C.A. No. 3:12-50429)	MDL No. 875
Jane Moss v. CBS Corporation, et al.,)	
W.D. Wisconsin, C.A. No. 3:13-00042)	

TRANSFER ORDER

Before the Panel:* Pursuant to Rule 7.1, plaintiffs in these three actions, all of whom are represented by the firm of Cascino Vaughan Law Offices, Ltd. (CVLO), move to vacate the Panel's orders conditionally transferring the actions to MDL No. 875. Responding defendants oppose the motion.¹

In December 2011, we adopted, in this docket, a "Suggestion to the Panel on Multidistrict Litigation ('The Panel') Concerning Future Tag-Along Transfers" (First Suggestion) issued by the transferee judge, the Honorable Eduardo C. Robreno. *See In re: Asbestos Prods. Liab. Litig.*, 830 F. Supp. 2d 1377 (J.P.M.L. 2011). Pursuant to our order adopting the First Suggestion, we ceased transferring most new tag-along actions to the MDL. *Id.* at 1378. As set forth in the First Suggestion, however, actions commenced in a limited number of jurisdictions were excepted from this "cessation of transfers" rule. These excepted actions include all actions commenced in districts in the Seventh Circuit wherein plaintiffs are represented by CVLO. *Id.* at 1380.

In November 2012, we adopted Judge Robreno's "Second Suggestion to the Panel on Multidistrict Litigation ('The Panel') Concerning Future Tag-Along Transfers" ("Second Suggestion"). *See Order Adopting Second Suggestion to the Panel Concerning Future Tag-Along Transfers*, at 1 n.2 (J.P.M.L. Nov. 21, 2012) (doc. no. 9090). In that Second Suggestion, the judge recommended that we cease transferring new tag-along asbestos actions commenced in seven additional jurisdictions – but not CVLO Seventh Circuit actions. *See id.*, at App. A. Thus, pursuant

* Judge John G. Heyburn II took no part in the decision of this matter.

¹ Responding defendants are CBS Corporation (as to all three actions), General Electric Company (as to the Northern District of Illinois *Luna* and *Roberts* actions), Exelon Corporation (as to *Luna*); Honeywell International Incorporated (as to *Luna*); Owens-Illinois, Inc. (as to *Roberts* and the Western District of Wisconsin *Moss* action); CertainTeed Corporation (as to *Moss*); Ingersoll Rand Company (as to *Moss*); and Trane U.S. Inc. (as to *Moss*).

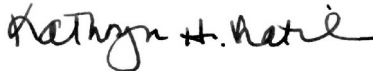
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to our orders adopting the First and Second Suggestions, we currently are transferring to the MDL new asbestos actions commenced in just a handful of jurisdictions: the Northern District of California, the Northern District of Ohio, the Eastern District of Virginia, and districts in the Seventh Circuit (but, again, only those Seventh Circuit actions in which CVLO represents the plaintiffs therein).

In opposing transfer, moving plaintiffs argue that very few new CVLO actions are being transferred to the MDL, and that such transfer no longer serves the purposes of 28 U.S.C. § 1407. We disagree. As described above, Judge Robreno is ably and efficiently winding down this MDL, and, indeed, in accordance with his two Suggestions, we have ceased transferring new asbestos tag-alongs commenced in the vast majority of federal districts. In our view, the judge is in the best position to know when transfer of new actions from those few remaining jurisdictions is no longer warranted.

IT IS THEREFORE ORDERED that pursuant to 28 U.S.C. § 1407, these actions are transferred to the Eastern District of Pennsylvania, and, with the consent of that court, assigned to the Honorable Eduardo C. Robreno for inclusion in the coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION



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Lewis A. Kaplan

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